

REMARKS

Claims 1,2,4,6,8,9,11-17 and 31-46 are under consideration. Claims 1,2,4,6,8,9,11-17 and 31-46 were rejected in the Office Action dated July 30, 2002. Claims 1,11,31,32, 36 and 37 have been amended. Each of the above claims that were not amended is dependent upon an amended claim. Applicants ask that the above claims be reconsidered.

The Examiner rejected claims 1-2,4,6,8-9,11-17,41 and 43 under 35 USC § 112, first paragraph, for failing to provide a disclosure which was enabling for the claims. Applicant apologizes for errantly forgetting to include the Declaration in the previous amendment. The Declaration of Professor Abraham Korol has been included with this amendment. The declaration exhibits Mr. Korol's success applying this process to both tomato and melon. Indicating that taxonomically and structurally divergent plants can be transformed by the method disclosed. In addition, Claim 1 has been changed to include the limitation "tomato or melon" in place of "flowering plants", in accordance with the Office Action.

The previous claims contained several instances of insufficient antecedent basis, all of which have been corrected accordingly.

- Claims 1 and 31 lacked antecedent basis for the limitation "said vortexed paste" in part (f). Applicant's attorney disagrees, but has amended the claim in the interest of expediting the allowance of this application. The

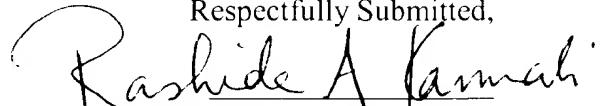
previous part (g) has been expanded to contain the phrase "thereby producing a vortexed paste."

- Examiner stated Claims 11 and 37 also lack antecedent basis for the limitation "the selection of transformants" in lines 1-2. Applicant's attorney disagrees that this limitation lacked antecedent basis. In order to comply with the Examiner's objections Claims 1 and 31 have been amended, and now utilize "the selection of transformants" in place of "selcting for transformants."
- The limitation "said silicon carbide fibers" has been removed from claim 32.
- The limitation "said plasmid DNA" has been changed to "said solution of plasmid DNA."
- Examiner wrote, "Claim 36 lacks antecedent basis for the limitation 'said selectable marker'." Applicant's attorney understood this as a typographical error and adjusted claim 38, which did contain the limitation "said selectable marker." The limitation has been changed to "said specific cloned selectable marker."

was unable to make any additional changes to the claims in the interest of expediting the prosecution.

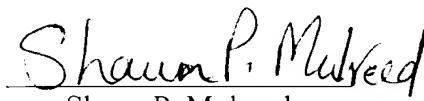
Applicants have made a diligent effort to amend the Claims and respond to the various rejections made in the Office Action. If for any reason, the Examiner should deem this application not in condition for allowance, the Examiner is respectfully

requested to telephone the undersigned attorney to resolve any outstanding issues prior to issuing a further Office Action.

Respectfully Submitted,

Rashida A. Karmali, Esq.
Reg. No. 43,705
Attorney for Applicants
99 Wall Street, 10th Floor
New York, NY 10005
Phone (212) 651-9653
Fax (212) 651-9654

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Shaun P. Mulreed

6/19/03

Date